"Express Mail" Label No. EL265821460US
Date of Deposit August 22, 2001

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:
Assistant Commissioner of Patents
Washington, DC 20231-0001
By: Kathy Johnston

PATENT
Attorney Docket No.: 15631-0004801US
Client Docket No.: DX0758K1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application:

Patent No. 6,060,284

Inventor: J. FERNANDO BAZAN

Application No.: Unknown

Filed: Herewith

For: DNA ENCODING INTERLEUKIN-B30

Examiner: Unknown

Art Unit: Unknown

Amendment to Claims

Statement of Status/Support of All Changes to the Claims

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In conjunction with filing of the above-referenced reissue application, please consider and enter the following amendments and remarks.

IN THE CLAIMS

Please amend claims 1, 3, 4, 8-11, 13, and 17 as follows. A complet set of pending claims is shown in the attachment to this document.

1. (Amended) An isolated or recombinant polynucleotide encoding an antigenic polypeptide comprising:

a) at least **[17] 40** contiguous amino acids from a mature coding portion of SEQ ID NO: 2;

b) at least 17 contiguous amino acids from a mature coding portion of SEQ ID NO: 4; or

c) at least 17 contiguous amino acids from a mature coding portion of SEQ ID NO: 5.

3. **(Amended)** The **[polynudeotide]** **polynucleotide** of claim 1, which hybridizes under stringent wash conditions of at least 65°C., less than about 150 mM salt to the complement of:

a) the open reading frame of SEQ ID NO; 1; or

b) the open reading frame of SEQ ID NO: 3; and

c) encodes amino residues 155-164 of SEQ ID NO: 2.

4. (Amended) **[The polynucleotide of claim 3,]** **An isolated or recombinant polynucleotide encoding an antigenic polypeptide** comprising:

a) at least 67 contiguous nucleotides of a coding portion of SEQ ID NO: 1, wherein said contiguous nucleotides are from nucleotides 466-555 of SEQ ID NO: 1; or

b) at least 67 contiguous nucleotides of a coding portion of SEQ ID NO: 3, wherein said contiguous nucleotides are from nucleotides 580-670 of SEQ ID NO: **[1]** **3**.

8. (Amended) Said polynucleotide of claim 1**a)**, wherein said contiguous amino acids number **[20]** **40 or 45**.

9. (Amended) Said polynucleotide of claim 1**b)**, wherein said contiguous amino acids number **[30]** **20, 30, 35, or 40**.

10. (Amended) Said polynucleotide of claim 1**c)**, wherein said contiguous amino acids number **[35]** **20, 30, 35, or 40**.

11. (Amended) Said polynucleotide of claim 1, wherein said contiguous amino acids number **[40]** **50**.

13. (Amended) The polynucleotide of claim **[8]** **3**, wherein said wash conditions are

a) at least 70°C.;

b) less than about 100 mM salt; or

c) both a) and b).

17. (Amended) The polynucleotide of claim **[8]** **3**, which is:

a) is attached to a solid substrate;

b) is detectably labeled;

c) is in a sterile composition;

d) encodes an antigenic polypeptide having at least 12 amino acid residues; or

e) is synthetically produced.

REMARKS

The issued U.S. Patent No 6,060,284 contains claims 1-17. By filing the instant reissue application, Applicant submits amendments to claims 1, 3, 4, 8-11, 13, and 17, and requests reissue of U.S. Patent No. 6,060,284.

The scope of claim 1a) has been narrowed by replacing "at least 17 contiguous amino acids" with "at least 40 contiguous amino acids." Additional support is found in the specification, e.g., Col. 13, lines 7-16. Claim 4, which depends from claim 1, has been amended to become an independent claim by incorporating elements of claim 1. Due to the amendment to claim 1a), claims 8-10 have been amended to depend respectively from claim 1a), 1b), and 1c). The specification has support for the amendments, e.g., in the issued claims 8-10 and at Col. 13, lines 7-16. Claim 11 has been amended to recite narrower scope (i.e.,

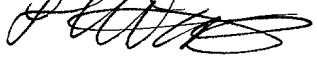
replacing "40" with "50"). Such amendment is also supported by the specification, e.g., at Col. 13, lines 7-16.

Further, the issued claims 13 and 17 contains typographical errors occurred during printing of the issued patent. Specifically, these claims should depend from claim 3 rather than claim 8. Such is apparent because claims 13 and 17 specify wash conditions while claim 8 does not recite a wash condition. Claim 3 in the issued patent also contains a typographical error (i.e., "polynudeotide"). Moreover, prior to issuance of the subject patent, Applicant has submitted a Rule 312 amendment on December 16, 1999 requesting that SEQ ID NO:1 inadvertantly recited in Claim 4b) be replaced with the correct SEQ ID NO:3. Such amendment is not reflected in the issued patent. These typographical errors have been corrected with the instant amendment.

Applicant submits that no new matter has been added by any claim amendment. Unless otherwise noted, the amendments are made to correct typographical errors and to improve clarity or consistency of claim language, and are not intended to affect the scope of any claim.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400 x 5209.

Respectfully submitted,



Hugh Wang
Reg. No. 47,163

Attachment: Clean set of all pending claims

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PA 3150463 v3

Pending Claims with Entry of the Amendment

1. **(Amended)** An isolated or recombinant polynucleotide encoding an antigenic polypeptide comprising:

a) at least 40 contiguous amino acids from a mature coding portion of SEQ ID NO: 2;

b) at least 17 contiguous amino acids from a mature coding portion of SEQ ID NO: 4; or

c) at least 17 contiguous amino acids from a mature coding portion of SEQ ID NO: 5.

2. (As issued) The polynucleotide of claim 1, encoding a mature polypeptide of:

a) SEQ ID NO: 2;

b) SEQ ID NO: 4; or

c) SEQ ID NO: 5.

3. **(Amended)** The polynucleotide of claim 1, which hybridizes under stringent wash conditions of at least 65°C., less than about 150 mM salt to the complement of:

a) the open reading frame of SEQ ID NO; 1; or

b) the open reading frame of SEQ ID NO: 3; and

c) encodes amino residues 155-164 of SEQ ID NO: 2.

4. **(Amended)** An isolated or recombinant polynucleotide encoding an antigenic polypeptide comprising:

a) at least 67 contiguous nucleotides of a coding portion of SEQ ID NO: 1, wherein said contiguous nucleotides are from nucleotides 466-555 of SEQ ID NO: 1; or

b) at least 67 contiguous nucleotides of a coding portion of SEQ ID NO: 3, wherein said contiguous nucleotides are from nucleotides 580-670 of SEQ ID NO: 3.

5. (As issued) A recombinant or expression vector comprising said polynucleotide of claim 1.

6. (As issued) An isolated host cell comprising said expression vector of claim 5.

7. (As issued) A method of making an antigenic polypeptide comprising expressing said recombinant polynucleotide of claim 1 and isolating said polypeptide, thereby making said antigenic polypeptide.

8. **(Amended)** Said polynucleotide of claim 1a), wherein said contiguous amino acids number 40 or 45.

9. **(Amended)** Said polynucleotide of claim 1b), wherein said contiguous amino acids number 20, 30, 35, or 40.

10. **(Amended)** Said polynucleotide of claim 1c), wherein said contiguous amino acids number 20, 30, 35, or 40.

11. **(Amended)** Said polynucleotide of claim 1, wherein said contiguous amino acids number 50.

12. (As issued) Said polynucleotide of claim 2, that is a variant due to the degeneracy of the genetic code.

13. **(Amended)** The polynucleotide of claim 3, wherein said wash conditions are

a) at least 70°C.;

b) less than about 100 mM salt; or

c) both a) and b).

14. (As issued) The polynucleotide of claim 3, wherein said wash conditions

a) are at least 50% formamide;

b) are less than about 100 mM salt; or

c) are both a) and b).

15. (As issued) The polynucleotide of claim 1, that:

a) encodes the mature polypeptide of SEQ ID NO: 2,4, or 5; or

b) comprises the mature coding portion of SEQ ID NO: 1 or 3.

16. (As issued) The polynucleotide of claim 2, wherein said polynucleotide:

a) encodes a polypeptide with a natural sequence of the mature coding portion of SEQ ID NO: 2 or 4;

b) is isolated from nature;

c) encodes a polypeptide comprising five or fewer conservative substitutions from a natural sequence of SEQ ID NO: 2 or 4;

d) encodes a polypeptide comprising five or fewer conservative substitutions from a natural sequence of SEQ ID NO: 4.

17. **(Amended)** The polynucleotide of claim 3, which is:

a) is attached to a solid substrate;

b) is detectably labeled;

c) is in a sterile composition;

d) encodes an antigenic polypeptide having at least 12 amino acid residues; or

e) is synthetically produced.